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Trustee of NRZ Pass-Through Trust VI

7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF WASHINGTON**
AT SPOKANE

9 JAN M. RENFROE,

10 Plaintiff,

11 v.

12 QUALITY LOAN SERVICE
13 CORP. OF WASHINGTON *et al*,

14 Defendants.

Case No.: 2:17-cv-00194-SMJ

CITIBANK, N.A., AS
TRUSTEE OF NRZ PASS-
THROUGH TRUST VI'S
MOTION TO STRIKE
SUPPLEMENTAL RESPONSE
AND SUPPORTING
DECLARATIONS

11/2/2020

Without Oral Argument

17 Defendant Citibank, N.A., as trustee of NRZ Pass-Through Trust VI,
18 pursuant to Rule 16(f), moves to strike plaintiff Jan Renfroe's supplemental
19 response to Citibank's motion for summary judgment, ECF No. 140, and her
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CITIBANK, N.A. AS TRUSTEE OF NRZ - 1
PASS-THROUGH TRUST VI'S MOTION TO STRIKE
SUPPLEMENTAL RESPONSE AND SUPPORTING
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two supplemental supporting declarations, ECF Nos. 141 and 142.

I. INTRODUCTION

Ms. Renfroe improperly filed a supplemental response to Citibank's motion for summary judgment and two supporting declarations. (ECF Nos. 140-42.) The court should strike all three filings.

II. RELEVANT BACKGROUND

The court entered a scheduling order on November 13, 2019. (ECF No. 106.) It states: "No supplemental responses or supplemental replies to any dispositive . . . motions may be filed unless the Court grants a motion to file such documents." (*Id.* at 5.)

III. LEGAL STANDARD

"On motion or on its own, the court may issue any just orders . . . if a party or its attorney . . . fails to obey a scheduling or other pretrial order." FED. R. CIV. P. 16(f). The rule "leaves the court with great discretion in fashioning a remedy[.]" *Mallinckrodt, Inc. v. Masimo, Corp.*, 254 F. Supp. 2d 1140, 1156 (C.D. Cal. 2003).

IV. ARGUMENT

The court should strike Ms. Renfroe's supplemental response to Citibank's motion for summary judgment, ECF No. 140, and her two

1 supplemental supporting declarations, ECF Nos. 141 and 142. The scheduling
2 order is very clear: no supplemental responses may be filed *unless the Court*
3 *grants a motion to file such documents.* (ECF No. 106 at 5 (emphasis added.))
4 Ms. Renfroe did not move for leave to file a supplemental response. (*See*
5 *generally*, docket.) And her failure to follow the court's procedures prejudices
6 Citibank, since the court is scheduled to hear oral argument on Citibank's
7 motion on October 13, 2020. (ECF No. 134.)

8 **V. CONCLUSION**

9 Due to her failure to obtain court approval to file her supplemental
10 response or two supporting declarations, ECF Nos. 140-142, the court should
11 strike Ms. Renfroe's filings.

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1 DATED: October 2, 2020.

2 AKERMAN LLP

3 By: /s/ Justin D. Balser

4 /s/ Taylor T. Haywood

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CITIBANK, N.A. AS TRUSTEE OF NRZ - 4
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CERTIFICATE OF SERVICE

I hereby certify that on 2nd day of October, 2020:

1. I caused to be electronically filed the foregoing **CITIBANK, N.A. AS TRUSTEE OF NRZ PASS-THROUGH TRUST VI'S MOTION TO STRIKE SUPPLEMENTAL RESPONSE AND SUPPORTING DECLARATIONS** with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Robert William McDonald
rmcdonald@qualityloan.com

Robert K. Hunter, Jr.
robert@hunter4law.com

2. I hereby certify that I have mailed by United States Postal Service the foregoing document to the following non-CM/ECF participants at the address listed below: **None.**

3. I hereby certify that I have mailed by United States Postal Service the document to the following CM/ECF participants at the address listed below: **None.**

4. I hereby certify that I have hand-delivered the document to the following participants at the addresses listed below: **None.**

/s/ Taylor T. Haywood

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CITIBANK, N.A. AS TRUSTEE OF NRZ - 5
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